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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		060258-0271467	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____	Application Number	Filed	
	09/600,083	September 13, 2000	
	First Named Inventor	TIMO KAUFANEN, et al.	
	Art Unit	Examiner	
	2617	Nguyen, Huy D.	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. 46463 Registration number _____</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			

Signature

William D. Titcomb

Typed or printed name

703.770.7847

Telephone number

April 27, 2007

Date

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket: 060258-0271467

Client Reference: 2980603US/A/KOP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:
TIMO KAUMANEN, ET AL.

Confirmation Number: 6680

Application No.: 09/600,083

Group Art Unit: 2617

Filed: September 13, 2000

Examiner: NGUYEN, Huy D.

Title: CONTROL OF A MULTICALL IN A TELECOMMUNICATIONS SYSTEM

Remarks Supporting Request for Pre-Appeal Brief Conference

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Summary

The subject application is currently finally rejected (See, Final Rejection, mail date February 2, 2007). The Applicants have made numerous attempts to distinguish the claimed invention from the prior art applied by the Examiner. However, based upon the Examiner's current response, as asserted in the Final Rejection, and previously asserted in the prior non-final Office Action, mail date August 1, 2006, the Examiner failed to respond to the amendments and/or arguments made by the Applicants filed in response to the final rejection.

The Examiner has substantially reasserted his earlier claim rejections in the Final Rejection; however it is not appropriate to do so in view of the substantive claim amendments and arguments made by the Applicants' response to the non-final Office Action. In fact, in construing the claims, the Examiner has read limitations into the claims that do not exist. At a minimum, Applicants' require a more current basis for rejection of the claimed invention, and only if, assuming *in arguendo*, that the current claims are not allowable.

Applicants' Request

Appellants hereby request that the panel of Examiners formally review the legal and the factual basis of rejections in the above-identified application prior to the filing of an appeal brief. Appellants assert that the outstanding rejection (no on appeal by virtue of the concurrently filed Notice of Appeal) is clearly improper based both on errors and facts and the omission of the essential elements to establish a *prima facie* rejection.

The February 2, 2007 Final Rejection

The February 2, 2007 Final Rejection restated word-for word the Examiner's earlier section 102 and section 103 rejections of claims 1-16, 18-21, 23 and 25-28. Further, the Final Rejection responds to arguments made in the *previous response – a Request for Reconsideration*. In support of this reassertion of the earlier arguments, the Examiner states at page 2, "Applicants' arguments filed 10/26/200 have been fully considered but are not persuasive."

I. Improper Substantive Basis for Interpretation of Claimed Invention

A. The words of a claim must be given their "plain meaning" unless such meaning is inconsistent with the specification.

Although claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allow. *In re American Academy of Science Tech Center*, 367 F.3d 1359, 1369, 70 USPQ2d 1827, 1834 (Fed. Cir. 2004).

B. It is improper to import claim limitations from the Specification.

"Though understanding the claim language may be aided by explanations contained in the written description, it is important not to import into a claim limitations that are not part of the claim. For example, a particular embodiment appearing in the written description may not be read into the claim when the claim

language is broader than the embodiment.” *Superglide Corp. v. DirecTV Enterprises, Inc.*, 358 F.3d 870, 875, 69 USPQ2d 1865, 1868 (Fed. Cir. 2004).

It appears that the Examiner improperly read limitations into the claims from the specification to interpret the term “multicall”. See, Final Rejection, page 2, “[I]t is noted that the feature upon which Applicants rely (i.e., multicall, where multicall refers to two or more independent and simultaneous calls to/from a single mobile station) is not recited in the claims.”

Applicants do not dispute this assertion, in fact, Applicants have on numerous occasions argued, for example, “[T]he cited prior art fails to disclose, teach or suggest “setting up any new call in an existing multicall over the transmission path between the telecommunications network and the subscriber terminal,” as recited in claims 1-14, 16 and 17.

Accordingly, the Examiner has improperly applied Bradshaw (U.S. Patent No. 6,608,820) through improper claim interpretation. Further, the Examiner has improperly applied in combination with Bradshaw, Yuen, et al. (U.S. Patent No. 4,757,493); Nowicki (U.S. Patent No. 5,369,692); Ho, et al. (U. S. Patent No. 6,314,292); Fapojuwo (U.S. Patent No. 6,212,389); Hubbard (U.S. Patent No. 4,430,734); Hoogerwerf, et al. (U.S. Patent No. 5,819,171); and Tuulos (U.S. Patent No. 5,625,879).

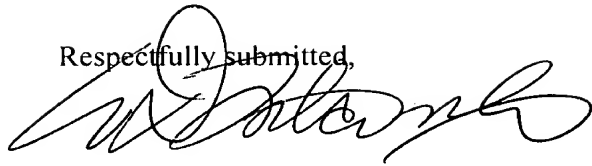
II. The Bradshaw Reference Teaches Away from the Claimed Invention

As Bradshaw is understood, and as the foregoing makes clear, Bradshaw cannot anticipate or render obvious the claimed invention, since Bradshaw fails to recite at least the features discussed above. Furthermore, it is clear that Bradshaw describes a system that is vastly different from Applicants’ claimed invention. As Bradshaw is understood, Bradshaw merely teaches a single call having multiple parties which are connected through a base station.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

KAUHANEN , ET AL. - 09/600,083
Attorney Docket: 060258-0271467

Respectfully submitted,

A handwritten signature in black ink, appearing to read "W. Titcomb", written over the phrase "Respectfully submitted,".

PILLSBURY WINTHROP SHAW
PITTMAN LLP
WILLIAM D. TITCOMB
Reg. No. 46463
Tel. No. 703.770.7847
Fax No. 703.770.7901

Date: April 27, 2007
P.O. Box 10500
McLean, VA 22102
(703) 770-7900